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February 9, 2022

VIA CM/ECF

The Honorable John G. Koeltl
United States District Judge
Southern District of New York
500 Pearl Street
New York, New York 10007

Re: *Bionpharma Inc. v. CoreRx, Inc.*, No. 1:21-cv-10656-JGK

Dear Judge Koeltl:

We represent Intervenor Azurity Pharmaceuticals, Inc. (“Azurity”) in the above-captioned action. We write with respect to Azurity’s pending motion to intervene and for reconsideration as to the preliminary injunction entered by the Court (the “Motion”) (ECF Nos. 66-71).

As the Court is aware, on Monday, February 7, 2022, Defendant CoreRx, Inc. (“CoreRx”) filed a motion to stay the preliminary injunction pending CoreRx’s appeal of that order (ECF Nos. 82-85), and the Court subsequently set a schedule to align briefing on CoreRx’s stay motion with Azurity’s pending Motion. CoreRx’s motion to stay thus indicates that CoreRx is planning to notice an appeal of the preliminary injunction at the earliest opportunity.

In connection with this development, Azurity withdraws that aspect of its motion seeking reconsideration of the preliminary injunction, and instead moves only for the Court to order that the record on the preliminary injunction has been supplemented to include the material submitted with Azurity’s Motion. Azurity submits that this will reduce the burden on the parties and the Court and streamline the proceedings with respect to a forthcoming appeal. Azurity’s motion to intervene for purposes of participating in that appeal remains unaffected.

In line with this request, Azurity has enclosed a proposed form of order to effectuate this relief; this proposed order amends and replaces the form of order enclosed with Azurity’s Notice of Motion (ECF No. 66).

We are available to discuss these issues to the extent that it would be helpful to the Court.

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Respectfully submitted,

WILSON SONSINI GOODRICH & ROSATI
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s/ Eli B. Richlin
Eli B. Richlin

*Counsel for Intervenor Azurity Pharmaceuticals,
Inc.*

cc: All Counsel of Record (via CM/ECF)